SUPREME COURT OF THE UNITED STATES

RAYMARK INDUSTRIES, INC.
85–1246 *v.*
BATH IRON WORKS CORPORATION ET AL.

EAGLE-PICHER INDUSTRIES, INC.
85–1253 *v.*
UNITED STATES

RAYMARK INDUSTRIES, INC., ET AL.
85–1288 *v.*
UNITED STATES

ON PETITIONS FOR WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

Nos. 85–1246, 85–1253 AND 85–1288. Decided May 19, 1986

The petitions for writs of certiorari are denied.

JUSTICE WHITE, dissenting.

In No. 85–1246, petitioner, an asbestos manufacturer, is the defendant in a products liability suit brought by the widow of a deceased employee of respondent's shipyard. Petitioner sought contribution from respondent on various theories, including a claim under § 905(b) of the Longshore and Harbor Workers' Compensation Act, 33 U. S. C. § 905(b). The United States Court of Appeals for the First Circuit held that § 905(b) covers only those torts that are within the reach of admiralty jurisdiction as defined in *Executive Jet Aviation Co.* v. *United States*, 409 U. S. 249 (1972). *Drake* v. *Raymark Industries*, 772 F. 2d 1007 (1985). The First Circuit concluded that ship construction does not satisfy the "maritime nexus" test of *Executive Jet*. As the First Circuit realized, its interpretation of the scope of § 905(b) conflicts with the decision in *Hall* v. *Hvide Hull No. 3*, 746 F. 2d 294 (CA5 1984), which holds that employees covered by the LHWCA who sue under § 905(b) need not satisfy the "mari-

time nexus" test of *Executive Jet* so long as the underlying event took place on a ship on navigable water.

In Nos. 85–1253 and 85–1288, which involve third-party claims by asbestos manufacturers against the United States as vessel owner and shipyard employer, the First Circuit followed its holding in *Drake*, *supra*, regarding the scope of § 905(b). *In re All Maine Asbestos Litigation (PNS Cases)*, 772 F. 2d 1023 (1985).

I would grant certiorari to resolve the conflict presented in these cases.